

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL JAY PEREZ,

Plaintiff,

v.

CALVIN COGBURN, et al.,

Defendants.

CASE NO. 2:18-cv-01800-JLR-BAT

**ORDER DENYING MOTION TO
SUBSTITUTE DEFENDANT GAGE**

Plaintiff moves to substitute defendant Gage due to death or separation from office, and requests Dr. Gage's estate and Department of Corrections Secretary Sinclair be substituted in his place. Dkt. 126.

The motion to substitute Dr. Gage's estate for personal claims against him is premature because Dr. Gage has not died. *See* Dkt. 132-33. Also, defendants are correct that claims against Dr. Gage alleging violations in his official capacity would pass onto the individual who holds Dr. Gage's prior position as the chief of psychiatry, not Mr. Sinclair.

The Court thus ORDERS:

(1) The motion to substitute, Dkt. 126, is DENIED.

(2) If Dr. Gage dies, defendants should promptly file notice so plaintiff can file the appropriate motion to substitute defendant Gage.

1 (3) The Clerk shall provide a copy of this order to the parties.

2 DATED this 29th day of December 2020.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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